



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

John Mix

Serial No. 10/632,464

Filed: August 1, 2003

For: **ELECTRONIC PACE
REGULATING, TIMING, AND
COACHING DEVICE AND
SYSTEM**

Group Art Unit: 2636

Examiner: TRIEU, VAN THANH

**DECLARATION OF PRIOR
INVENTION TO OVERCOME CITED
PATENT OR PUBLICATION UNDER
37 C.F.R. § 1.131**

162 North Wolfe Road
Sunnyvale, CA 94086
(408) 530-9700

Customer No.: 28960

Mail Stop: Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

dear Sir/Madam:

PURPOSE OF DECLARATION

1. This declaration is to establish conception of the invention in this application in the United States, at a date prior to June 17, 2003, that is the effective date of U.S. Patent No. 6,837,827, cited by the Examiner during the Examination of the present Application.

2. The persons making this declaration is the sole inventor.

FACTS AND DOCUMENTARY EVIDENCE

3. Applicant conceived the subject invention prior to March 17, 2003. After we conceived this invention and prior to June 17, 2003, Applicant reduced to practice the invention by designing and prototyping (See Attached documents) Designing and prototyping were completed prior June 17, 2003.

4. Prior to prior June 17, 2003 a disclosure was provided to Applicants Attorney, a patent
5 application was prepared and filed for the invention on August 1, 2003. The Application was
assigned Serial No. 10/632,464.

5. Thus, the invention was conceived prior to June 17, 2003, the invention was reduced to
practice prior to June 17, 2003 and due diligence was practiced in filing the patent application
10 from prior to June 17, 2003, to the filing date of August 1, 2003.

I hereby declare that all statements made herein of my own knowledge are true and that all
statements made on information and belief are believed to be true; and further that these
statements were made with the knowledge that willful false statements and the like so made are
15 punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States
Code; and that such willful false statements may jeopardize the validity of the application, any
patent issuing thereon, or any patent to which this declaration is directed.

20 Dated: 10/21/05

By: 

John Mix
Inventor